



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

HB 2598: sanctuary jurisdiction; liability; civil action

Sponsor: Representative Roberts, LD 11

Committee on Government

Overview

Mandates that all Arizona agencies and local jurisdictions comply with a valid immigration detainer as requested by the federal government.

History

Current law prohibits an official or agency of this state or a county, city, town or other political subdivision from limiting or restricting the enforcement of federal immigration laws to less than the full extent allowed by federal law.

A legal resident of Arizona may bring an action in superior court to challenge any agency or official of this state or a county, city, town or other political subdivision of this state that adopts or implements a policy that restricts or limits the enforcement of federal immigration laws ([A.R.S. § 11-1051](#)).

Provisions

1. Requires officials and agencies of this state and counties, cities, towns and other political subdivisions of this state, including law enforcement officers, to comply with a valid immigration detainer requested by the federal government or their authorized agent. (Sec. 1)
2. Prescribes a civil penalty for officials, state agencies or law enforcement officers who intentionally or knowingly fail to comply with a valid immigration detainer. (Sec. 1)
3. Authorizes the Arizona Attorney General or appropriate county attorney to commence an action in superior court if they find cause to believe that an entity is not complying with a valid immigration detainer as requested by federal officials. (Sec. 1)
4. Allows an individual (*or family member if the individual is deceased*) to bring an action for damages against a county, city, town or other political subdivision of this state that is a sanctuary jurisdiction if all of the following apply:
 - a) The individual is the victim of sexual assault, murder or any other felony;
 - b) An alien was arrested, convicted and sentenced to a term of imprisonment of at least one year for the sexual assault, murder or other felony;
 - c) The county, city, town or other political subdivision, within 10 years before the offense occurred, intentionally or knowingly failed to either:
 - i. Comply with a lawful request with respect to the alien and a detainer for, or notice about the release of, the alien; or
 - ii. Contact the federal government to determine the immigration status of the alien. (Sec. 2)
5. Directs the court to award the prevailing party the costs and reasonable attorney fees. (Sec. 2)

6. States that the clerk of the court in which the legal proceedings are held must notify the State Treasurer of the judgement if a county, city, town or other political subdivision is found responsible pursuant to this Act. (Sec. 2)
7. Specifies that the State Treasurer must prepare an itemized claim against the pertinent jurisdiction for the costs of incarceration of the alien in the Arizona Department of Corrections as a result of the criminal case. (Sec. 2)
8. Requires the claim to be sent to the city, town, county or other political subdivision for payment and upon receipt, the claim must be payed to the State Treasurer. (Sec. 2)
9. Instructs the State Treasurer to deposit the monies in the state General Fund. (Sec. 2)
10. Defines *alien* and *sanctuary jurisdiction*. (Sec. 2)
11. Makes technical and conforming changes. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
--	--	---	--------------------------------------